

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL No. 1456
LITIGATION)	
_____)	CIVIL ACTION: 01-CV-12257-PBS
)	
THIS DOCUMENT RELATES TO)	Judge Patti B. Saris
)	
TRACK 1 TRIAL)	Chief Magistrate Judge Marianne B. Bowler
)	
)	
)	
_____)	

**SUPPLEMENTAL DECLARATION OF RAYMOND S. HARTMAN
REVISED DAMAGES FOR TRACK 1 DEFENDANTS: CLASSES 2 AND 3**

1. In light of the Court's August 3, 2007 ruling (Docket #4529), Plaintiffs' Counsel have requested that I file revisions to Tables 1 through 3.b. to reflect the use of simple instead of compound interest in the damage calculations. These revisions are attached hereto.

/s/ Raymond S. Hartman

Raymond S. Hartman

August 6, 2007

Table 1: AZ Summary of Class 2 and 3 Damages Following the Saris Opinion (Massachusetts)**CLASS 2****Nominal Damages**

Drug	1998	1999	2000	2001	2002	2003	Total Thru 2002	Total Thru 2003
Zoladex	\$351,279	\$376,298	\$402,812	\$473,968	\$485,746	\$519,363	\$2,090,103	\$2,609,466
Total	\$351,279	\$376,298	\$402,812	\$473,968	\$485,746	\$519,363	\$2,090,103	\$2,609,466

Damages with Prejudgment Interest (Simple Interest Through August 1, 2007)

Drug	1998	1999	2000	2001	2002	2003	Total Thru 2002	Total Thru 2003
Zoladex	\$588,021	\$629,903	\$674,286	\$793,396	\$783,968	\$775,900	\$3,469,574	\$4,245,474
Total	\$588,021	\$629,903	\$674,286	\$793,396	\$783,968	\$775,900	\$3,469,574	\$4,245,474

CLASS 3**Nominal Damages**

Drug	1998	1999	2000	2001	2002	2003	Total Thru 2002	Total Thru 2003
Zoladex	\$751,338	\$799,284	\$858,145	\$1,008,700	\$1,033,962	\$1,104,619	\$4,451,429	\$5,556,047
Total	\$751,338	\$799,284	\$858,145	\$1,008,700	\$1,033,962	\$1,104,619	\$4,451,429	\$5,556,047

Damages with Prejudgment Interest (Simple Interest Through August 1, 2007)

Drug	1998	1999	2000	2001	2002	2003	Total Thru 2002	Total Thru 2003
Zoladex	\$1,257,698	\$1,337,957	\$1,436,487	\$1,688,508	\$1,668,759	\$1,650,240	\$7,389,410	\$9,039,649
Total	\$1,257,698	\$1,337,957	\$1,436,487	\$1,688,508	\$1,668,759	\$1,650,240	\$7,389,410	\$9,039,649

Table 2: BMS Summary of Class 2 and 3 Damages Following the Saris Opinion (Massachusetts)

CLASS 2									
Nominal Damages									
Drug	1998	1999	2000	2001	2002	2003	Total Thru 2002	Total Thru 2003	
Blenoxane									
Cytoxan	\$14,141	\$14,401	\$12,886	\$8,856	\$8,603	\$10,115	\$58,886	\$69,001	
Rubex	\$275	\$191	\$371		\$13		\$850	\$850	
Taxol					\$55,745	\$55,745	\$55,745	\$111,489	
Vepesid	\$23,814	\$22,096		\$11,565	\$14,834	\$13,199	\$72,308	\$85,508	
Total	\$38,230	\$36,688	\$13,256	\$20,421	\$79,194	\$79,059	\$187,789	\$266,848	
Damages with Prejudgment Interest (Simple Interest Through August 1, 2007)									
Drug	1998	1999	2000	2001	2002	2003	Total Thru 2002	Total Thru 2003	
Blenoxane									
Cytoxan	\$23,670	\$24,107	\$21,570	\$14,824	\$13,885	\$15,111	\$98,056	\$113,168	
Rubex	\$460	\$320	\$621		\$21		\$1,422	\$1,422	
Taxol					\$89,969	\$83,279	\$89,969	\$173,248	
Vepesid	\$39,864	\$36,987		\$19,359	\$23,941	\$19,719	\$120,150	\$139,869	
Total	\$63,994	\$61,414	\$22,191	\$34,183	\$127,816	\$118,109	\$309,597	\$427,707	
CLASS 3									
Nominal Damages									
Drug	1998	1999	2000	2001	2002	2003	Total Thru 2002		
Blenoxane									
Cytoxan									
Rubex									
Taxol				\$183,454			\$183,454		
Vepesid									
Total				\$183,454			\$183,454		
Damages with Prejudgment Interest (Simple Interest Through August 1, 2007)									
Drug	1998	1999	2000	2001	2002	2003	Total Thru 2002		
Blenoxane									
Cytoxan									
Rubex									
Taxol				\$307,093			\$307,093		
Vepesid									
Total				\$307,093			\$307,093		

**Table 3.a: Warrick Summary of Class 2 Damages (Massachusetts)
Based on the Difference Between Warrick's AWP and the "But-For" Median AWP**

CLASS 2

Nominal Damages

Drug	1998	1999	2000	2001	2002	2003	Total
Albuterol	\$2,899	\$2,854					\$5,752

Total **\$2,899** **\$2,854** **\$5,752**

Damages with Prejudgment Interest (Simple Interest Through August 1, 2007)

Drug	1998	1999	2000	2001	2002	2003	Total
Albuterol	\$4,852	\$4,777					\$9,629

Total **\$4,852** **\$4,777** **\$9,629**

**Table 3.b: Warrick Summary of Class 2 Damages (Massachusetts)
Based on the Difference Between the Median AWP and Warrick's ASP*1.3**

CLASS 2

Nominal Damages

Drug	1998	1999	2000	2001	2002	2003	Total
Albuterol	\$377,040	\$457,798	\$481,185	\$390,317	\$352,546	\$229,962	\$2,288,848

Total	\$377,040	\$457,798	\$481,185	\$390,317	\$352,546	\$229,962	\$2,288,848
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Damages with Prejudgment Interest (Simple Interest Through August 1, 2007)

Drug	1998	1999	2000	2001	2002	2003	Total
Albuterol	\$631,144	\$766,329	\$805,477	\$653,370	\$568,990	\$343,550	\$3,768,860

Total	\$631,144	\$766,329	\$805,477	\$653,370	\$568,990	\$343,550	\$3,768,860
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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on August 7, 2007, I caused copies of **SUPPLEMENTAL DECLARATION OF RAYMOND S. HARTMAN REVISED DAMAGES FOR TRACK 1 DEFENDANTS: CLASSES 2 AND 3** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman